

BEFORE THE ADMINISTRATIVE HEARING COMMISSION
STATE OF MISSOURI

FILED
JUN 01 2006
ADMINISTRATIVE HEARING
COMMISSION

W. DALE FINKE, Director
Missouri Department of
Insurance,

Petitioner,

v.

KIMBERLY A. ARTHUR

Respondent.

Serve at:

301 S. Dallas

Albany, MO 64402

(816) 373-4332

CASE NO. 06033117C

COMPLAINT

W. Dale Finke, Director of the Missouri Department of Insurance, through counsel, complains and requests the Administrative Hearing Commission find that cause exists for disciplinary action against Respondent Kimberly Arthur because:

1. Petitioner is the Director of the Missouri Department of Insurance whose duties, pursuant to RSMo Chapters 374 and 375, include the supervision and regulation of insurance producer licenses.

2. At all times mentioned herein, Respondent Arthur was a licensed insurance producer (license #PR181483) in the State of Missouri. Respondent's insurance license is currently active and in good standing, with a prospective expiration date of August 28, 2006.

3. This Commission has jurisdiction over this Complaint pursuant to RSMo § 621.045.

COUNT I

(§375.141.1(8) – Incompetence, Untrustworthiness or Financial Irresponsibility)

4. Petitioner realleges and expressly incorporates the allegations in paragraphs 1–3.

5. Respondent has demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere, a ground for discipline under § 375.141.1(8).

6. The facts are as follows:

a. From approximately January of 2004 to August of 2005, Respondent was an employee and agent of American Family Mutual Insurance Company (“American Family”);

b. While serving as an agent for American Family, Respondent received two premium checks from Mike Murphy in the amount of \$487 (received in 2004) and \$597 (received on July 5, 2005);

c. The first check was to obtain a one-year farm/ ranch policy for property owned by Mr. Murphy, while the second check was to obtain a one-year renewal of that policy;

d. Respondent accepted and deposited each check, but never acquired the intended policy and renewal policy for Mr. Murphy;

e. Mr. Murphy’s property was without coverage for the intended two-year period;

f. Mr. Murphy notified the Missouri Department of Insurance of the foregoing by filing a consumer complaint with the Department on August 25, 2005;

g. The Department contacted American Family regarding the foregoing; American Family responded by letter dated September 15, 2005, confirming that (1) Respondent and/or American Family did receive the referenced checks and that no policy was properly issued for Mr. Murphy's property and (2) that, upon learning of Respondent's activities, American Family terminated her employment and refunded \$487 and \$597 to Mr. Murphy;

7. Respondent has thereby used dishonest practices or demonstrated incompetence, untrustworthiness or financial irresponsibility in the conduct of business in this state or elsewhere.

8. As a result, sufficient grounds exist for disciplining Respondent's insurance license pursuant to § 375.141.1(8).

COUNT II

(§375.141.1(2) – Violating Insurance Laws or Regulations)

9. Petitioner realleges and expressly incorporates the allegations in paragraphs 1–8.

10. Respondent has violated insurance laws or regulations by failing to appear and testify before the Director pursuant to § 374.210.2, a ground for discipline under §375.141.2.

11. The facts are as follows:

a. The Department mailed Respondent a subpoena on September 26, 2005 by certified U.S. Mail to her last known address, commanding her to appear before the Department on October 25, 2005 to provide testimony and documents relative to her activities as an insurance producer in the State of Missouri.

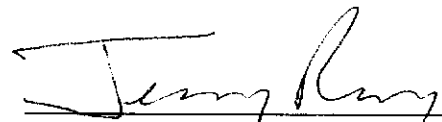
b. Respondent failed to appear or otherwise respond to the subpoena.

12. The Director was authorized to issue the afore-mentioned subpoena by § 374.190.

13. As a result, sufficient grounds exist for disciplining Respondent's insurance license pursuant to § 375.141.1(2) for violating the requirements of § 374.210.2.

WHEREAS, based on the foregoing, Petitioner respectfully requests that the Commission make findings of facts and conclusions of law stating that Petitioner has established cause to discipline the insurance license of Respondent Kimberly A. Arthur.

Respectfully submitted,



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ATTORNEY FOR RESPONDENT
W. Dale Finke, Director
Missouri Department of Insurance